



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on April 12, 2005

Date of Meeting: March 8, 2005

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:40 p.m. on Tuesday, March 8, 2005, all members having been notified of the time and place thereof.

1. **ROLL CALL**

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra
Carol W. West
Kathleen Dunbar
Shirley C. Scott
Steve Leal
Fred Ronstadt
Robert E. Walkup

Council Member Ward 1
Council Member Ward 2
Vice Mayor, Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Michael D. Letcher
Michael Rankin
Kathleen S. Detrick
Liz Rodriguez Miller

City Manager
City Attorney
City Clerk
Assistant City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Kathleen S. Detrick, City Clerk, after which the Pledge of Allegiance was presented by the entire assembly.

Presentation

- a. Mayor Walkup presented copper plaques to Will Carlton Thomas, Curtis Loberg, Anthony Mauras, and Edgar Acuna, for the Sun Tran “Distinguished Employee Team of 2004”.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 118, dated March 8, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Ronstadt announced the Ward 6 Council Office would host a Town Hall on the Houghton Area Master Plan on March 16, 2005, at 6:30 p.m.
- b. Vice-Mayor Dunbar announced Ward 3 would host a Town Hall, Thursday, March 10, 2005, from 6:00 p.m. to 8:00 p.m., and the topic would be the Water Plan.

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 119, dated March 8, 2005, would be received into and made a part of the record. He announced this was the time scheduled to allow the City Manager to report on current events and asked for the City Manager’s report.

Michael D. Letcher, City Manager, reported:

- a. Together with Council Member Scott and the Department of Transportation, there would be a construction party celebrating the beginning of Mary Ann Cleveland Way on Thursday, March 10, 2005, 10:00 a.m. at Cienega High School.
- b. On March 15, 2005, Development Services would hold their second Public Education Seminar “Permit Process for the Residential Property Owner”, 201 North Stone, Basement Conference Room “C” from 6:30 p.m. to 8:30 p.m.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s communication number 120, dated March 8, 2005, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

Person Transfer

1. Fenderskirts Bar and Grill, Ward 2
140 S. Kolb Road
Applicant: Maria L. Miller
Series 6, City 07-05
Action must be taken by: March 13, 2005
Staff Recommendation: Police, Development Services, and Revenue in compliance.

c. Special Event

1. Tucson Symphony Orchestra, Ward 6
191 E. Toole Avenue
Applicant: Susan M. DeBenedette
City T05-05
Date of Event: March 18, 2005
Fundraising
Staff Recommendation: Police, Development Services, and Parks in compliance.
2. Catholic Foundation for the Diocese of Tucson, Ward 2
4811 E. Grant Road
Applicant: Martin Camacho
City T11-05
Date of Event: March 18, 2005
Fundraiser
Staff Recommendation: Police, Development Services, and Parks in compliance.
3. Comité de Festividades Mexicanas, Ward 1
3700 S. La Cholla Blvd.
Applicant: Mercedes Guerrero
City T14-05
Date of Event: March 20, 2005
To Celebrate Mexican Culture
Staff Recommendation: Police, Development Services, and Parks in compliance.

4. It's Happening Downtown, Inc., Ward 6
26-56 E. Congress Street
Applicant: Barbara A. Zelano
City T23-05
Date of Event: March 19, 2005
Community/Cultural Event
Staff Recommendation: Police, Development Services, and Parks in compliance.

Mayor Walkup called on Council Member Scott.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, that liquor license applications 5b1 and 5c1 through 5c4 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA ITEMS A THROUGH M

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. ASSURANCE AGREEMENT: (S02-008) WILDCAT PASS SUBDIVISION (RCP), LOTS 1 TO 61 AND COMMON AREAS "A" – "B" AND BLOCK "A"
 1. Report from City Manager MARCH8-05-114 WARD 1
 2. Resolution No. 20022 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in case No. S02-008 of a final plat for the Wildcat Pass Subdivision, Lots 1 to 61 and Common Areas "A" – "B" and Block "A"; and declaring an emergency.
- B. FINAL PLAT: (S02-008) WILDCAT PASS SUBDIVISION (RCP), LOTS 1 TO 61 AND COMMON AREAS "A" – "B" AND BLOCK "A"
 1. Report from City Manager MARCH8-05-115 WARD 1
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- C. REAL PROPERTY: APPROVING LEASE AGREEMENT WITH NEXTEL WEST CORPORATION FOR A TELECOMMUNICATION MONOPOLE AT FREEDOM PARK
1. Report from City Manager MARCH8-05-113 WARD 5
 2. Ordinance No. 10127 relating to real property; authorizing and approving the Lease with Nextel West Corporation, a Delaware corporation, d/b/a Nextel Communications, for placement of a telecommunication monopole within Freedom Park at 5000 East 29th Street, Tucson, Arizona; and declaring an emergency.
- D. REAL PROPERTY: FIRST AMENDMENT TO LEASE WITH NCS PEARSON, INC., FOR PROPERTY LOCATED AT 1310 WEST MIRACLE MILE, SUITE 120
1. Report from City Manager MARCH8-05-116 WARD 3
 2. Ordinance No. 10128 relating to real property; authorizing and approving the First Amendment to the Lease with NCS Pearson, Inc., a Minnesota corporation, for real property located at 1310 West Miracle Mile, Suite 120, Tucson, Arizona; and declaring an emergency.
- E. INTERGOVERNMENTAL AGREEMENT: WITH TUCSON UNIFIED SCHOOL DISTRICT FOR INSTALLATION OF A “HAWK” FLASHING SIGNAL AND A TRAFFIC SIGNAL
1. Report from City Manager MARCH8-05-117 WARD 2 AND WARD 6
 2. Resolution No. 20023 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and Tucson Unified School District for Kolb Road/Timrod Street flasher upgrade and Tucson Boulevard/Third Street traffic signal; and declaring an emergency.
- F. COMMUNITY SPECIAL EVENTS: DESIGNATING BOUNDARIES AND ESTABLISHING HOURS AND DATES FOR DOWNTOWN SATURDAYS EVENTS AND DESIGNATING IT’S HAPPENING DOWNTOWN, INC. AS THE EVENT SPONSOR
1. Report from City Manager MARCH8-05-124 CITY-WIDE
 2. Resolution No. 20024 relating to community special events; designating boundaries of Downtown Saturdays events; establishing hours and dates; designating certain streets, alleys, public rights-of-way, sidewalks or portions thereof subject to Tucson Code Section 7-401; and declaring an emergency.

G. REAL PROPERTY: AUTHORIZATION TO ACQUIRE THE NORTHEAST CORNER OF PARK AVENUE AND BROADWAY BOULEVARD FOR WIDENING OF EAST BROADWAY BOULEVARD

1. Report from City Manager MARCH8-05-112 WARD 6
2. Resolution No. 20025 relating to real property; authorizing and approving the acquisition of certain real property located at the northeast corner of Park Avenue and Broadway Boulevard from Beajou, L.L.C. for one hundred thousand dollars (\$100,000); and declaring an emergency.

H. SERVICE CONTRACT: WITH THE PIMA PREVENTION PARTNERSHIP TO PROVIDE FINANCIAL SUPPORT FOR MEETINGS OF A NEW UNDERAGE DRINKING TASK FORCE AND TEEN TOWN HALLS

1. Report from City Manager MARCH8-05-123 CITY-WIDE
2. Resolution No. 20026 relating to law enforcement; approving and authorizing execution of a Service Contract with the Pima Prevention Partnership to provide financial support for meetings of a new underage drinking task force and teen town halls; and declaring an emergency.

Item H was considered separately at the request of Council Member Scott

I. APPROVAL OF MINUTES

1. Report from City Manager MARCH8-05-127 CITY-WIDE
2. Approval of minutes for the regular meetings of the Mayor and Council held on August 2, 2004, September 13, 2004, and February 8, 2005.

J. AGREEMENT: AMENDMENT TO THE LICENSE AGREEMENT WITH WILTEL COMMUNICATIONS, LLC

1. Report from City Manager MARCH8-05-125 CITY-WIDE
2. Ordinance No. 10129 relating to interstate telecommunications; authorizing an amendment to the non-exclusive right-of-way license pursuant to Tucson Code Section 7B-36 to WilTel Communications, LLC, formerly known as Williams Communications, Inc., a Delaware corporation; and declaring an emergency.

- K. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH WYCOZONA, LLC FOR THE RINCON HEIGHTS ANNEXATION DISTRICT
1. Report from City Manager MARCH8-05-128 OUTSIDE CITY
 2. Resolution No. 20028 relating to annexations; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Wycozona, L.L.C.; and declaring an emergency.
- L. PROFESSIONAL SERVICES CONTRACT: FOR LEGAL COUNSEL WITH BALLARD SPAHR ANDREWS & INGERSOLL, LLP
1. Report from City Manager MARCH8-05-129 WARD 1 AND WARD 6
 2. Resolution No. 20030 relating to professional services; authorizing and approving the Agreement for Legal Services with Ballard Spahr Andrews & Ingersoll, LLP.; and declaring an emergency.
- M. AGREEMENT: WITH SRWA, LLC (FORMERLY SRSA, LLC) REGARDING WATER SERVICE TO CORONA DE TUCSON DEVELOPMENTS (CONTINUED FROM THE MEETING OF MARCH 1, 2005)
1. Report from City Manager MARCH8-05-130(2) OUTSIDE CITY
 2. Resolution No. 20031 relating to water; authorizing and approving the execution of an Agreement for Design and Construction of the Santa Rita Bel Air Interconnection Facilities; and declaring an emergency.

Mayor Walkup called on Council Member Leal.

It was moved by Council Member Leal, duly seconded, that Consent Agenda Items A through M, with the exception of Item H, which would be considered separately, be passed and adopted and the proper action taken.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Consent Agenda Items A through M, with the exception of Item H, were declared passed and adopted by a roll call vote of 7 to 0.

H. SERVICE CONTRACT: WITH THE PIMA PREVENTION PARTNERSHIP TO PROVIDE FINANCIAL SUPPORT FOR MEETINGS OF A NEW UNDERAGE DRINKING TASK FORCE AND TEEN TOWN HALLS

1. Report from City Manager MARCH8-05-123 CITY-WIDE
2. Resolution No. 20026 relating to law enforcement; approving and authorizing execution of a Service Contract with the Pima Prevention Partnership to provide financial support for meetings of a new underage drinking task force and teen town halls; and declaring an emergency.

Mayor Walkup asked if there was any discussion. He recognized Council Member Scott.

Council Member Scott had a question on Item H. Because she is a member of the board of the Pima Prevention Partnership, she asked if she should not vote on that item and declare a conflict of interest.

Michael Rankin, City Attorney, stated that if she was a member of the board, she should refrain from voting on that item.

Mayor Walkup called on Council Member Leal.

It was moved by Council Member Leal, duly seconded, that Consent Agenda Item H be passed and adopted and the proper action taken.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Leal, and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Consent Agenda Item H was declared passed and adopted by a roll call vote of 6 to 0 (Council Member Scott declared a conflict of interest).

Mayor Walkup recognized Council Member Leal.

Council Member Leal asked Mr. Rankin to explain why a conflict of interest existed because he thought it was a conflict only if Council Member Scott was a paid board member and it would be affecting her remuneration.

Mr. Rankin stated, although he did not believe any money was involved, it was her indication that she was a board member. Though it may have been a conservative opinion, if she was a member, it would be best not to vote on an agreement of that sort.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Ruth Beeker requested a legal, ethical and fair policy for neighborhood meetings on city-owned property.
- b. Michael Toney presented the Mayor and Council with information intended for Karen Thoreson requesting budget information on the architectural design of the University of Arizona Science Center.
- c. Paul Mackey commented on the Study Session discussion of the Capital Improvement Program (CIP) and stated the Water Department needed to do a public information campaign regarding the Water Bond election. He also expressed his concerns that the impact fees for neighborhood parks needed to be addressed as promised when they were approved.

8. PUBLIC HEARING: ZONING C9-95-06 SERO DEVELOPMENT – 22ND STREET RX-1 TO C-2 ZONING, CHANGE OF CONDITIONS (CONTINUED FROM THE MEETING OF MARCH 1, 2005)

Mayor Walkup announced City Manager's communication number 126, dated March 8, 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for the continuation of a public hearing on a request for a change of conditions and preliminary development plan for property located on the north side of Twenty-second Street, east of Prudence Road.

Mayor Walkup asked if the applicant or a representative was present and if they would like to make a brief comment.

Linda Morales of The Planning Center stated she had an update of what transpired in the last week. She wanted to clarify that the request only pertained to the portion of the project that was conditionally zoned. The rest was hard zoned for the C-2 use which allows the residential use.

Last week they did not get a chance to meet with Mr. Janosko, who had issued the request for the continuance. They met with him and his niece, Donna Hallman, representing the estate of the owner of the sand and gravel operation in the Pantano Wash. As stated in the letter issued by Mr. Janosko and Ms. Hallman that day, there were basically two concerns. One was for the safety of the future residents of the subdivision, particularly children, and the attractive nuisance issue with Mr. Janosko's operation in the wash. Ms. Morales pointed out that in response, they agreed to put continuous fencing along the east boundary. Additionally, there was a steep slope, about

twenty or thirty feet high in the area, so a large set back had been allowed for his future operations in the wash.

The other area of concern was the potential impact on Mr. Janosko's mining operations. That included the requirement from Parks and Recreation for twenty thousand cubic yards of fill. The project had an export situation where there was some excess fill and there was an agreement with Parks and Recreation to provide them that fill in the wash. The fill was to provide a larger area for the future Pantano linear park. Mr. Janosko was concerned about the placement of the fill, due to the fact there were no detailed grading plans at that time. Placement of the fill was done at the direction of Parks and Recreation, so it was not in the project's scope of planning.

Another issue regarded drainage. There was a sheet flow condition that came down the hill and entered both Mr. Janosko's property and the Pima County property that is adjacent to the northern end of the site. Drainage solutions showed two concentration points that direct flow away from Mr. Janosko's property to the Pima County owned property of the Pantano Wash. A letter from Suzanne Shields of the Pima County Flood Control District confirmed the solution was acceptable to the Flood Control District to discharge that drainage to the Pantano Wash. Mr. Janosko's concerns of significant increases in flow that would create pooling conditions were addressed by assuring Mr. Janosko that it was a modest increase of flow, nothing that would create a significant change in the flow into the wash, less than one hundred cfs (cubic feet per second) total. Ms. Morales said they liked the drainage solution because it avoided the detention basin potential problems, that had been experienced in many subdivisions in the city, by discharging directly into the Pantano Wash.

In general, Mr. Janosko's point about the compatibility of the overall land use, again, they set up significantly higher than the wash, they set back the subdivision from the wash, they agreed to the fencing, and to additional landscaping along the back walls of the houses. Ms. Morales felt they had addressed those concerns. Also, the previous preliminary development plan already called for two hundred twenty-four apartment units, so a new land use was not introduced to the site, just a modification of that use.

Mayor Walkup announced that the public hearing was scheduled to last for no more than one hour. Speakers would be limited to five-minute presentations. He asked that speakers come forward when he called their name and make their presentation.

Richard Janosko, of Tubac, representing the estate of John M. Janosko, said his family had lived in Tucson over sixty years. His father originally purchased the property, an operating sand and gravel business on Twenty-Second Street, in 1964. It was a sand and gravel operation twenty years prior to that. Since that time it had been a continuous operation providing a livelihood for his father, who passed away many years ago, his son John Mark Janosko, John Mark's sons Dean, Jeff and Joey, and his niece Donna. Their children have now entered the business and also his brother John and his brother Gary, operating the Acme Sand and Gravel business and Acme Ready Mix on the property, for

the last twenty years. Gary's sons had also worked on the property, so it has been a continuous family business.

The operation included mineral rights to the center of the river and to the original meander line of the river, which includes the area that the county considers to be the future Pantano Park. That property had been continually used for mining purposes and stockpile use the past fifty years. Currently there were stockpiles in the area of processed materials with value added to those materials. The operation accessed those materials as well as used the area for access to the river and for storage of those materials.

Last Friday there was a meeting the Janoskos had to initiate with the planners and developer, and they requested copies of the drainage reports, but had not received them. Although they saw them at that meeting, they could not study them. The Janoskos felt that it was an unsafe area for having many children play in the area and a very dangerous place. Two decades ago, a child was killed in the machinery in the area. It was not an imaginary concern. The original approval in 1995 included a retail space in front that recognized the fact that the adjacent property was a commercial sand and gravel operation, with dust, noise, and all the things that go with that. They limited that area to a commercial area and the development behind it. What they had now was a new condition with housing all the way up to the street. The estate had seriously considered all the issues and had to oppose the plan as currently presented. Mr. Janosko said he would be glad to answer any questions that he could.

Aaron Emerson, representing KB Home as Planning Manager for the project, wanted to address some of the responses Mr. Janosko had stated. The project had been going on for awhile. When they originally met, during some of their public meetings, they met with John Janosko, who recently passed away. They had been in communication with the Janoskos, as it had been in their best interest to be a good neighbor and to address any concerns adjacent property owners had. They did meet with John Janosko, with the engineer showing him the drainage of the property to be developed. KB Home had done everything asked of them, concerning the zoning conditions, through staff. Last week had been a surprise. They thought the zoning was going to go through and then Richard had some concerns. Therefore, they continued for a week asking what they needed to do. They did meet with Mr. Janosko to go over the concerns. The original concerns were always children's safety and the drainage of the property. They had two owners of property to the east of them, one was Pima County and one was Mr. Janosko. They had a letter from City staff that the City was not requiring retention for the project, which was allowing increased water flow. They had a letter from Pima County Flood Control District stating they did not have a problem with the increased flow onto the property. If there was a dispute of activity on the Pima County property, they were asking that the City project not be held up by something that was outside of that realm. Again, Mr. Emerson wanted to state that they had addressed everything they possibly could have. It was a surprise after talking to Richard last week, as he was not opposed to having single family and KB as his neighbors. Then the protest received this afternoon came out that he was now concerned about the residential project

itself. That was not shared with KB Home, and again they hoped that Mayor and Council would take action for approval for the project zoning.

Mr. Emerson noted regarding access to the wash and some of the stockpiles, that some of the stockpiles were on KB Home property, and also the access that Mr. Janosko was using went through their property at that time, just for the record. He asked that the Mayor and Council take action to approve the zoning and if it was something that Mr. Janosko and the county needed to resolve, that they did that at another time.

Michael Toney said he had a few things that he wanted to comment about the way this was done. It was down zoned from two hundred twenty-four apartments to one hundred seventy-three single-family homes and then all existing billboards identified on the development plan were to be removed. Homes fronting the Pantano River Park would have staggered roof lines and staggered set-backs from the east property line in order to present an interesting and varied architectural design facing the river park. That was very nice too. As far as on-site retention and detention, he knew the Egyptians and everyone else had to do their irrigation that way, maybe it was a way to get the natural open space going again with the plants revegetating.

Mayor Walkup asked if anyone else wished to speak on this subject at this time. Hearing no one, he asked for a motion to close the public hearing.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup recognized Council Member West.

Council Member West wished condolences to the Janosko family because she had met with John and his death was very sudden and had been difficult for the family.

Council Member West said some of the issues that had been presented that evening had to do with Pima County and she thought the ongoing work regarding the River Park would have to be between the Janoskos and Pima County. One of the things that Mayor and Council did not have was the letter from Ms. Shields of the Flood Control District. She said Mr. Emerson had mentioned that there was a letter and she did not think they had received a copy of it yet. Council Member West thought it was very important because of the drainage issues. As she was hearing about that, she was thinking about Council Member Scott's project in her Ward, although she could not remember the name of it. If they could have put the water in the river on that one, like they could here, she thought it would have resolved several issues.

Council Member West said that this had been a struggle for her. She thought everything was all right, there was a week continuance given so these things could be worked out. There were two conditions, twenty-six and twenty-seven, that had been stricken and part of that was because they contradicted twenty-five. She wanted to emphasize that there was no bank protection here for a very good reason. The flow could

go into the river. It was ideal. She said it was what they ought to be able to do with many projects. At this point, she thought they had done a good job of putting this together. She deferred to Vice-Mayor Dunbar.

Mayor Walkup recognized Vice-Mayor Dunbar.

It was moved by Vice-Mayor Dunbar, duly seconded, and carried by a voice vote of 7 to 0, to approve the requested change of conditions as recommended by the City Manager.

9. BOARDS, COMMISSIONS AND COMMITTEES: APPOINTMENT TO THE CIVIL SERVICE COMMISSION

Mayor Walkup announced City Manager's communication number 132, dated March 8, 2005, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20029 by number and title only.

Resolution No. 20029 relating to the Civil Service Commission; appointing a Commissioner; fixing annual compensation, and declaring an emergency.

Mayor Walkup asked the Council's pleasure.

It was moved by Council Member West, duly seconded, to pass and adopt Resolution 20029 and appoint Marion Pickens to the Civil Service Commission.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Resolution 20029 was declared passed and adopted by a roll call vote of 7 to 0.

10. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced City Manager's communication number 122, dated March 8, 2005, would be received into and made a part of the record. He asked if there were any personal appointments to be made.

Council Member West announced her personal appointment of Michael J. Harrold III to the Environmental Services Advisory Committee (ESAC).

11. ADJOURNMENT 6:25 p.m.

Mayor Walkup announced the Council would stand adjourned. There would not be a Mayor and Council meeting on Tuesday, March 15, 2005, due to Council Members attending the National League of Cities and Towns Conference. The next regularly scheduled meeting would be held on Tuesday, March 22, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda Street, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 8th day of March 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:jr/lp